

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA : Hon.
 :
 v. : Criminal No. 06-
 :
 JOHN VELBA, : 18 U.S.C. §§ 371,
 WILLIAM SCHREIBER, : 922(a)(1)(A), 922(g)(1) and 2
 CHERYL BRITTON,
 HAROLD SMITH and
 KEVIN BENN

I N D I C T M E N T

The Grand Jury in and for the District of New Jersey,
sitting at Newark, charges:

COUNT ONE
(Conspiracy)

1. At all times relevant to this Indictment:

a. Defendants JOHN VELBA, WILLIAM SCHREIBER,
CHERYL BRITTON, HAROLD SMITH and KEVIN BENN were residents of New
Jersey.

b. Defendants JOHN VELBA, WILLIAM SCHREIBER,
CHERYL BRITTON, HAROLD SMITH and KEVIN BENN were not licensed to
engage in the business of dealing in firearms.

2. From on or about May 31, 2005 to on or about November 1, 2005, in Monmouth County, in the District of New Jersey and elsewhere, defendants

**JOHN VELBA,
WILLIAM SCHREIBER,
CHERYL BRITTON,
HAROLD SMITH
and
KEVIN BENN**

did knowingly and willfully conspire and agree with each other and others to commit offenses against the United States, that is, to engage in the business of dealing in firearms without having a license to do so, contrary to Title 18, United States Code, Section 922(a)(1)(A).

Object of the Conspiracy

3. It was the object of the conspiracy to obtain firearms and ammunition and sell those firearms and ammunition for profit.

Manner and Means of the Conspiracy

4. It was a part of the conspiracy that defendants JOHN VELBA, WILLIAM SCHREIBER, CHERYL BRITTON, HAROLD SMITH and KEVIN BENN sold approximately twelve firearms, a bullet-proof vest and a hand-grenade to a confidential cooperating witness ("CW") for approximately \$10,000.

Overt Acts

5. In furtherance of the conspiracy and to effect its unlawful object, defendants JOHN VELBA, WILLIAM SCHREIBER, CHERYL BRITTON, HAROLD SMITH and KEVIN BENN committed, and caused to be committed, the following overt acts in the District of New Jersey and elsewhere:

a. On or about June 28, 2005, in Marlboro, New Jersey, defendant HAROLD SMITH sold three firearms and a bulletproof vest to the CW for approximately \$1,400.

b. On or about July 14, 2005, in Morganville, New Jersey, defendants JOHN VELBA and HAROLD SMITH sold three firearms to the CW for approximately \$1,200.

c. On or about August 4, 2005, in Morganville, New Jersey, defendant JOHN VELBA offered to sell to the CW a Mosin Nagant 7.62 mm rifle for approximately \$600.

d. On or about August 20, 2005, in Marlboro, New Jersey, defendants WILLIAM SCHREIBER and CHERYL BRITTON offered to sell the CW a .38 caliber handgun and a rifle.

e. In or about October 2005, in Morganville, New Jersey, defendant KEVIN BENN gave JOHN VELBA, WILLIAM SCHREIBER, CHERYL BRITTON and HAROLD SMITH four firearms and a hand-grenade.

f. On or about October 11, 2005, in Marlboro, New Jersey, defendant JOHN VELBA offered to sell three firearms and a hand-grenade to the CW for approximately \$7,500.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO
(Engaging in the Business of Dealing in Firearms
Without Having Licenses to Do So)

From on or about May 31, 2005 to on or about November 1, 2005, in Monmouth County, in the District of New Jersey and elsewhere, defendants

JOHN VELBA,
WILLIAM SCHREIBER,
CHERYL BRITTON,
HAROLD SMITH
and
KEVIN BENN

did knowingly and willfully engage in the business of dealing in firearms without having a license to do so.

In violation of Title 18, United States Code, Sections 922(a)(1)(A) and 2.

COUNT THREE
(Possession of a Weapon by a Prohibited Person)

On or about October 11, 2005, in Monmouth County, in the District of New Jersey and elsewhere, defendant

JOHN VELBA

having been convicted of a crime punishable by imprisonment for a term exceeding one year in a court of the State of New Jersey, did knowingly possess in and affecting commerce firearms and ammunition, namely one SPAS-12 12-gauge shotgun, serial number AA09333, one SKS MAK-90 7.62 mm assault rifle, serial number 301874, one M-44 7.62 mm assault rifle, serial number 6476, one RG-17 .38-Special handgun, serial number 55302, and approximately 1,000 rounds of ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

A TRUE BILL

FOREPERSON

CHRISTOPHER J. CHRISTIE
United States Attorney